

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 9/8/09

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LAVELLE EVANS, :

Plaintiff, :

-against- :

THE FIRST 48, et al., :

Defendants. :

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09 Civ. 7373 (LTS) (AJP)

**ORDER TO PRO SE PLAINTIFF  
TO SERVE COMPLAINT**

**ANDREW J. PECK, United States Magistrate Judge:**

This Order is to inform you that Judge Swain has assigned this case to me for all pretrial purposes. An extra (courtesy) copy of all papers hereafter submitted to the Court should be sent to me at the United States Courthouse, 500 Pearl Street, Room 1370, New York, New York 10007-1312.

Enclosed is a copy of the "Individual Practices of Magistrate Judge Andrew J. Peck."  
The parties are required to follow them.

Plaintiff must make arrangements to have the summons and complaint promptly served on all defendants by filling out and forwarding to the U.S. Marshal the forms provided to you by the Pro Se office. Plaintiff must provide a copy of this Order (and the enclosed Rules) to defendant's counsel either along with the summons and complaint or once counsel has appeared for defendant.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

Time Limit for Service. If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

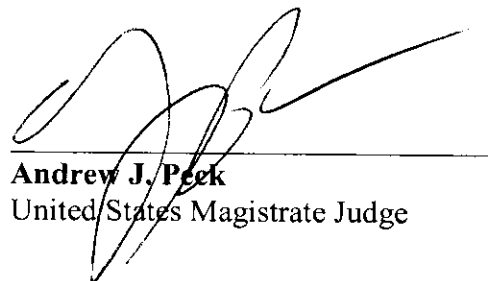
The complaint in this action was filed as of August 21, 2009. Accordingly, if service is not made upon the defendant(s) by December 21, 2009 (which is 120 days from filing of this complaint), I will recommend to Judge Swain that the action be dismissed. You must supply a courtesy copy of the proof of service to my chambers.

Plaintiff is required to advise the Clerk of the Court and my chambers of any change of address. Failure to keep the Court informed of your current address may result in dismissal of your case.

If plaintiff needs any assistance with court procedures, plaintiff can contact the Pro Se Clerk at the United States Courthouse, 500 Pearl Street, 2nd Floor, New York, New York 10007. The telephone number for the Pro Se Clerk is (212) 805-0175.

SO ORDERED.

Dated: New York, New York  
September 8, 2009



**Andrew J. Peek**  
United States Magistrate Judge

Copies to: Lavelle Evans (Mail)  
Judge Laura Taylor Swain